

## Interview Summary

Application No.

09/407,605

Applicant(s)

MILLER ET AL.

Examiner

Hope Robinson

Group Art Unit

1653



All participants (applicant, applicant's representative, PTO personnel):

(1) Hope Robinson(3) Louis Meyers(2) Karen Carlson(4) Leda TrivinosDate of Interview Jan 23, 2002Type: a) ☒ Telephonic b) ☐ Video Conferencec) ☐ Personal [copy is given to 1) ☐ applicant 2) ☐ applicant's representative]Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:Claim(s) discussed: Claim 64

Identification of prior art discussed:

Seed et al. reference.Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Mr. Meyers proposed amending claim 64 to end the claim following the word "codon" in line 5 of the claim to obviate the rejection under 35 U.S.C. 112, first paragraph. Informed Mr. Meyers that the rejection will be withdrawn. Also informed Mr. Meyers that the rejection under 35 U.S.C. 112, second paragraph over for example claim 64 regarding a specific sequence will be withdrawn. Mr. Meyers also proposed amending the claims, for example claim 64 to recite "a human protein". Ms. Trivinos presented arguments as to why the claimed invention is not obvious or anticipated by Seed et al. (by stating that the Seed reference did not optimize the codons as done in the present application and teaches not to perform too many codon optimization). Mr. Meyers agreed to fax a set of proposed claims for discussion purposes.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

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(3) Leda Trivinos

(2) Karen Carlson

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Date of Interview Jan 23, 2002

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy is given to 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:

Claim(s) discussed: Application in general

Identification of prior art discussed:

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Ms. Trivinos informed me that the office action cover page indicated that the office action mailed December 31, 2001 was non-final, however, the office action itself indicated that the action was final. Upon review of the application it was noted that the box for non-final was inadvertently checked. Informed Ms. Trivinos that a remail of the office action would be done to make the record clear.

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